

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AUTHOR J. MANNING, JR., et al., §
§
Plaintiff, §
§
v. § Case No. 6:20-cv-594-JDK-JDL
§
TIME WARNER, §
§
Defendant. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiffs Author J. Manning, Jr., Graffic Knights, and Spectrem Swarm LLC filed this lawsuit alleging that Defendant Time Warner uses various intellectual properties owned by Plaintiffs without authorization or compensation. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition.

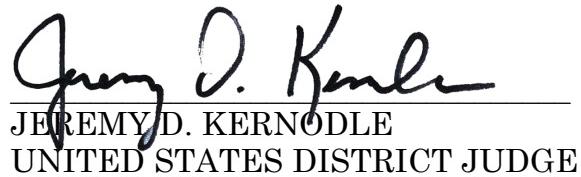
Before the Court is Defendant's Motion to Dismiss (Docket No. 6). On January 29, 2021, after Plaintiffs failed to respond to the motion, Judge Love issued a Report recommending that Defendant's motion to dismiss be granted and the action be dismissed with prejudice for failure to state a claim upon which relief may be granted. Docket No. 11. Plaintiff received a copy of the Report on February 1, 2021. Docket No. 12.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 11) as the findings of this Court. Defendant's Motion to Dismiss (Docket No. 6) is **GRANTED**. It is therefore **ORDERED** that this case is **DISMISSED**, with prejudice, for failure to state a claim upon which relief may be granted.

So **ORDERED** and **SIGNED** this 23rd day of February, 2021.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE